

STATE OF TENNESSEE, )  
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 )  
 Petitioner, )  
 )  
 )  
 v. ) No. \_\_\_\_\_  
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 )  
 AMERICAN SHELL CORPORATION, )  
 D/B/A FACTORY JEWELERS, and )  
 UNITED STATES PEARL COMPANY, )  
 INC., both Tennessee corporations, )  
 )  
 )  
 Respondents. )

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter “Attorney General”), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter “the Act”), and would respectfully show the Court as follows:

2. Based upon the investigation of Respondents, the Attorney General alleges the following:

(A) Respondents are Tennessee corporations. For approximately 10 years,

Respondents have operated jewelry stores in Hermitage and Camden, Tennessee.

- (B) On or about October 29, 1999, Respondents announced that their Hermitage store location would be going out of business.
- (C) Respondents did not obtain a liquidation sale permit for the sale, pursuant to Tenn. Code Ann. § 6-55-401, *et seq.*
- (D) For significantly more than 90 days, Respondents' Hermitage jewelry store location advertised their going out of business sale in newspapers, television, billboards and store signs. For example, the November 5, 1999 edition of *The Tennessean* contained an advertisement promoting Respondents' going out of business sale.
- (G) Prior to being contacted by the State, Respondents were holding monies of 10 consumers for layaways which the consumer had not received because Respondents could not locate the consumer.
- (H) Respondents' conduct constitutes unfair and deceptive acts or practices.

3. Respondents neither admit nor deny the allegations of Paragraph 2 (A-H).

4. The Attorney General entered into negotiations with Respondents and the parties have agreed to, and the Division has approved, the attached Assurance of Voluntary Compliance.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

6. The Division, the Attorney General, and the Respondents, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

Respectfully submitted,

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PAUL G. SUMMERS  
Attorney General and Reporter  
B.P.R. No. 6285

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